

## Attorney Docket No. P06634US00- PHI 1763

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

PIPER, Todd Elliott

Group Art Unit: 1638

SERIAL NO:

10/769,512

Examiner:

FILED:

January 30, 2004

Confirmation No:

TITLE:

**HYBRID MAIZE 38B85** 

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicant directs the Examiner's attention to the following patents and/or other documents which may be material to the examination of this application. References that are U.S. patents are not required to be submitted. Copies of the references are enclosed. The Examiner is urged to consider these documents and make them of record in this application. This submission is not intended to constitute an admission of any kind, and in particular is not an admission that any patent, or other document referred to herein constitutes a printed publication or is otherwise properly citable as prior art with respect to this application. No representation is made that a search has been conducted or that no more material information

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than that cited herein exists. Accordingly, this submission is not intended to take the place of the Examiner's own independent search of the art.

A list of the patents and/or other documents is set forth on the attached Form(s) PTO-SA08B and SB/08B.

A copy of each of these documents or translations or abstract as appropriate, is attached or will be forwarded as soon as it becomes available.

Respectfully submitted, Todd Elliott Piper

BY

Lila A. T. Akrad, Reg. No. 52,550 McKEE, VOORHEES & SEASE 801 Grand Avenue, Suite 3200 Des Moines, Iowa 50309-2721 Phone No. (515) 288-3667 Fax No. (515) 288-1338

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Attorneys of Record



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				Application Number	10/769,512			
INFO	RMATION D	ISC	LOSURE	Filing Date	January 30, 2004			
	TEMENT BY			First Named Inventor	PIPER, Todd Elliott			
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Sheet	11	of	4	Attorney Docket Number P06634US00 - 1763				

U.S. PATENT DOCUMENTS									
Examiner Initials *	Cite No.1	<u>Document Number</u> .  Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear				
	1	4,812,599	03/14/1989	Segebart					
	2	5,527,986	06/18/1996	Weber					
	3	5,689,034	11/18/1997	Fullerton					
	4	5,844,116	12/01/1998	Piper					
	5	6,075,186	06/13/2000	Piper					
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	FOREIGN PATENT DOCUMENTS										
Examiner Initials *	Cite No.1	Foreign Patent Document  Country Code <sup>3</sup> -Number <sup>4</sup> - Kind Code <sup>5</sup> (if known	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>					
	6	EP 160390	11/06/1985	Stauffer Chemical Co.							
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				Application Number	10/769,512			
INFO	RMATION D	ISCLO	SURE	Filing Date	January 30, 2004			
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				Group Art Unit	1638			
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Sheet	2	of	4	Attorney Docket Number	P06634US00 - 1763			

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials *	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Τ²
	7	Plant Variety Protection Act, Certificate No. 9400095 for Corn 'PHTD5' issued 07/29/1994	
	8	Plant Variety Protection Act, Certificate No. 9900022 for Corn, Field 'PH1W2' issued 06/14/2001	
	9	Plant Variety Protection Act, Certificate No. 200000221 for Corn Field 'PH51H' issued 01/30/2002	
	10	Plant Variety Protection Act, Certificate No. 9900379 for Corn, Field 'PH2N0' issued 11/06/2001	
	12	Berry et. al., Assessing Probability of Ancestry Using Simple Sequence Repeat Profiles: Applications to Maize Inbred Lines and Soybean Varieties" Genetics 165:331-342 (2003)	
	13	Boppenmaier, et al., "Comparisons Among Strains of Inbreds for RFLPs", Maize Genetics Cooperative Newsletter, 65:1991, pg. 90	
	14	Conger, B.V., et al. (1987) "Somatic Embryogenesis From Cultured Leaf Segments of Zea Mays", Plant Cell Reports, 6:345-347	
	15	Duncan, D.R., et al. (1985) "The Production of Callus Capable of Plant Regeneration From Immature Embryos of Numerous <i>Zea Mays</i> Genotypes", <u>Planta</u> , 165:322-332	
	16	Edallo, et al. (1981) "Chromosomal Variation and Frequency of Spontaneous Mutation Associated with <i>in Vitro</i> Culture and Plant Regeneration in Maize", <u>Maydica</u> , XXVI:39-56	
	17	Fehr, Walt, Principles of Cultivar Development, pp. 261-286 (1987)	
	18	Green, et al. (1975) "Plant Regeneration From Tissue Cultures of Maize", Crop Science, Vol. 15, pp. 417-421	
	19	Green, C.E., et al. (1982) "Plant Regeneration in Tissue Cultures of Maize" Maize for Biological Research, pp. 367-372	
	20	Hallauer, A.R. et al. (1988) "Corn Breeding" Corn and Corn Improvement, No. 18, pp. 463-481	
	21	Lee, Michael (1994) "Inbred Lines of Maize and Their Molecular Markers", The Maize Handbook Ch. 65:423-432	
	22	Meghji, M.R., et al. (1984) "Inbreeding Depression, Inbred & Hybrid Grain Yields, and Other Traits of Maize Genotypes Representing Three Eras", Crop Science, Vol. 24, pp. 545-549	
	23	Openshaw, S.J., et al. (1994) "Marker-assisted selection in backcross breeding". p. 41–43. In Proceedings of the Symposium Analysis of Molecular Marker Data. 5–7 August 1994. Corvallis, OR. American Society for Horticultural Science/Crop Science Society of America.	
	24	Phillips, et al. (1988) "Cell/Tissue Culture and In Vitro Manipulation", Corn & Corn Improvement, 3rd Ed., ASA Publication, No. 18, pp. 345-387	
	25	Poehlman et al (1995) Breeding Field Crop, 4th Ed., Iowa State University Press, Ames, IA., pp. 132-155 and 321-344	
	26	Rao, K.V., et al., (1986) "Somatic Embryogenesis in Glume Callus Cultures", Maize Genetics Cooperative Newsletter, No. 60, pp. 64-65	
	27	Sass, John F. (1977) "Morphology", Corn & Corn Improvement, ASA Publication, Madison, WI pp. 89-	

Substitute for form 1449B/PTO Complete if Known **Application Number** 10/769,512 Filing Date INFORMATION DISCLOSURE January 30, 2004 PIPER, Todd Elliott STATEMENT BY APPLICANT First Named Inventor Group Art Unit 1638 (Use as many sheets as necessary) **Examiner Name** Sheet of Attorney Docket Number P06634US00 - 1763 NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. Cite Examiner Initials \* 28 Smith, J.S.C., et al., "The Identification of Female Selfs in Hybrid Maize: A Comparison Using Electrophoresis and Morphology", Seed Science and Technology 14, 1-8 29 Songstad, D.D. et al. (1988) "Effect of ACC(1-aminocyclopropane-1-carboyclic acid), Silver Nitrate & Norbonadiene on Plant Regeneration From Maize Callus Cultures", Plant Cell Reports, 7:262-265 30 Tomes, et al. (1985) "The Effect of Parental Genotype on Initiation of Embryogenic Callus From Elite Maize (Zea Mays L.) Germplasm", Theor. Appl. Genet., Vol. 70, p. 505-509 31 Troyer, et al. (1985) "Selection for Early Flowering in Corn: 10 Late Synthetics", Crop Science, Vol. 25, pp. 695-697 32 Umbeck, et al. (1983) "Reversion of Male-Sterile T-Cytoplasm Maize to Male Fertility in Tissue Culture", Crop Science, Vol. 23, pp. 584-588 33 Wan et al., "Efficient Production of Doubled Haploid Plants Through Colchicine Treatment of Anther-Derived Maize Callus", Theoretical and Applied Genetics, 77:889-892, 1989 34 Wright, Harold (1980) "Commercial Hybrid Seed Production", Hybridization of Crop Plants, Ch. 8:161-35 Wych, Robert D. (1988) "Production of Hybrid Seed", Corn and Corn Improvement, Ch. 9, pp. 565-36 Carrigan, Lori L., HYBRID MAIZE PLANT & SEED 38A24, U.S. Serial No. 09/489,223 filed 01/21/2000 37 Carrigan, Lori L., INBRED MAIZE LINE PH51H, U.S. Serial No. 09/490,884 filed 01/24/2000 38 Fischer et al., HYBRID MAIZE PLANT & SEED 36N70, U.S. Serial No. 09/759,709 filed 01/12/2001 39 Fischer et al., INBRED MAIZE LINE PH7CP, U.S. Serial No. 09/758.859 filed 01/11/2001 40 Williams et al., INBRED MAIZE LINE PH6ME, U.S. Serial No. 09/759,747 filed 01/12/2001 Examiner Date Signature Considered

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	41	U.S. Serial	No. 1	0/271,382	filed 10/	15/2002	-	(DC	NOT	PUBLIS	SH)	
	42	U.S. Serial	No. 1	0/271,858	filed 10/	15/2002	'	(DO	NOT	PUBLIS	H)	
-	43	U.S. Serial	No. 1	0/355,633	filed 01/	31/2003		(DO	NOT	PUBLIS	H)	
	41	U.S. Serial	No. 1	0/355,668	filed 01/	/31/2003		(DC	NOT	PUBLIS	SH)	
	42	U.S. Serial No. 10/355,741 filed 01/				/31/2003		(DC	NOT	PUBLIS	SH)	
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